

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

JUN 30 2009

JOHN A. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

HOLLY BRANHAM,

Plaintiff,

v.

DOLGENCORP, INC., *etc.*,

Defendant.

C.A. No. 6:09CV00037

**DOLGENCORP, INC.'S MOTION TO DISMISS HOLLY BRANHAM'S COMPLAINT
UNDER RULE 12(B)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

The defendant, Dolgencorp, Inc. ("Dolgencorp"), by counsel, hereby moves to dismiss Holly Branham's Complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

For the reasons discussed in Dolgencorp's supporting memorandum, filed concurrently with this Motion and incorporated herein by reference, Dolgencorp respectfully asks the Court to dismiss the Complaint.


WHEREFORE, Dolgencorp respectfully prays the Court to enter an Order, adjudging, ordering, and decreeing that:

- (1) Branham's Complaint is dismissed, with prejudice; and
- (2) Dolgencorp is awarded all such other and further relief that the Court deems appropriate and just.

Respectfully submitted,

DOLGENCORP, INC.

By: MIDKIFF, MUNCIE & ROSS, P.C.



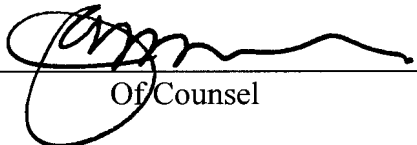
Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was sent by first-class mail, postage pre-paid, this 29th day of June, 2009, to the following counsel of record:

Robert S. Ganey, Esq.
Post Office Box 174
Hanover, Virginia 23069
Counsel for the Plaintiff



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